

DRAFT BACKGROUND DOCUMENT B
DEC Major Facility Inspection Coverage Measures CYs 2010-2012

This draft background document summarizes data related to evaluations of the Alaska Department of Environmental Conservation (DEC) inspection coverage measures for Metric 5a1, the inspection coverage for NPDES majors.

The evaluations determine inspection coverage measures/rates based primarily on the following three scenarios and related data sources:

- CYs 2011-2012 rate based on DEC February 2013 CMS submission;
- CYs 2011-2012 rate based on EPA May 2013 ICIS data pull; and
- CYs 2010-2011 rate based on DEC February 2013 CMS submission.

This draft background document is subject to further updating, revisions and clarifications based on additional information, reviews and feedback, including DEC feedback.

Background

DEC implements its Compliance Monitoring Strategy (CMS) inspection schedule on a calendar year basis, not a federal fiscal year. Accordingly, evaluations included herein are based in part on DEC's performance for majors' inspections for Calendar Years (CYs) 2010, 2011 and 2012.

For historical context, DEC's April 23, 2010 CMS submittal ("DEC 2010 CMS") for the CY 2010 inspection schedule indicated that by the end of CY 2010 all Phase I major facilities will have been inspected at least once over a two calendar year period. The DEC 2010 CMS noted there were no major facilities in Phase II. However, the Anchorage/ADOT MS4 (AKS52558) is a major facility.

DEC's December 30, 2010 CMS submittal ("DEC 2011 CMS") indicated that by the end of CY 2011 all Phase I major facilities will have been inspected at least once over a two calendar year period.

DEC's October 26, 2011 CMS submittal ("DEC 2012 CMS") indicated that the CY 2012 inspection schedule included 33 major facilities and that by the end of CY 2012, all majors will have been inspected at least once over the past two calendar year period.

Evaluation

The following evaluations rely in part on the DEC representations in its February 15, 2013 CMS inspection proposal ("DEC 2013 CMS") for CY 2013, and specifically, Table 1, APDES Majors.

With the specific adjustments identified in the table below, the majors' inspections coverage measures/rates are based on the universe of 46 DEC-jurisdictional major facilities.

In summary, DEC-jurisdictional major facilities for CYs 2011-2012 would generally include domestic wastewater, miscellaneous industrials, seafood and mining major facilities. Phase IV facilities were transferred to DEC's authority and jurisdiction on October 31, 2012 so Phase IV major facilities are not included in inspection counts for CYs 2011-2012 evaluations because DEC did not plan or commit to doing inspections of Phase IV facilities in the last two months of CY 2012.

The table below includes various refinements (e.g. deletions, additions) in order to obtain a corrected DEC-jurisdictional base of major facilities.

Table: DEC-Jurisdictional Major Facilities for CYs 2011-2012 (Excluding Phase IV)

Source/Facility	Last Inspected/Other	Facility Count
DEC's CMS Letter 2/15/13 Table 1, APDES Majors	NA	60 (Base)
Table 1 – Four Terminated Facilities	NA	-4
Table 1 – Fort Know Mine	Not Yet Constructed	-1
Table 1 – Ten Phase IV facilities	NA	-10
Table 1 – Northstar Development Project	NA/ICIS says terminated	-1
Teck Red Dog Mine AK0038652	EPA juris until Dec. 2012	-1
Teck Red Dog Port Site AK0040649 (Major)	ICIS says 7/16/11	+1
Cordova POTW AK0021547 (Major)	ICIS says 5/19/10	+1
Northern Pacific Seafoods AKG528434 (Major)	ICIS says 9/19/12	+1
TOTAL DEC-Jurisdictional Facilities		46

CYs 2011-2012 Rate Based on DEC February 2013 CMS Submission

With the identified caveats and notations, the following measure/rate was determined from the DEC 2013 CMS (i.e., DEC February 15, 2013 CMS Letter, Table 1) with refinements from the Table above.

- CY 2011 Inspection Total = +8 (excludes Alyeska-Phase IV facility; excludes Teck Red Dog Mine because EPA retained jurisdiction until December 2012; includes Anchorage Eagle River POTW)
- CY 2012 Inspection Total = +27
- Minus Multiple Facility Inspections (Eagle River, Homer, Greens Creek, Coeur) = -4

- TOTAL: 31 separate major facilities

Based on this evaluation using DEC submissions, the CYs 2011-2012 Measure/Rate = $31/46 = 67.4\%$

CYs 2011-2012 Rate Based on EPA May 29 2013 ICIS Data Pull

EPA did an ICIS data pull on May 29, 2013 for DEC inspections of major facilities in CYs 2011 and 2012. This evaluation may not be representative of the actual DEC-lead only inspection coverage rate because it might not account for EPA-lead inspections on DEC-jurisdictional facilities. The primary relevance of this ICIS data pull is related to the issue of whether DEC inspections are being completely and accurately recorded in ICIS. This issue is raised by the lower number of recorded DEC inspections in this May 2013 data pull as summarized below in comparison with other DEC submissions (e.g., Performance Partnership Grant submissions, DEC 2013 CMS) that report greater numbers of DEC major facility inspections.

With the identified caveats and notations, the following measure/rate was determined from the EPA May 2013 ICIS data pull with refinements from the Table above.

- CY 2011 Inspection Total = +6. Based on 9 inspections (includes one Phase IV site and 4 inspections of Coeur) but only six (6) separate facilities inspected excluding the Phase IV site.
- CY 2012 Inspection Total = +12. Based on 15 inspections (includes two Greens Creek inspections and two Anchorage MS4 inspections and one Coeur inspection) but only 12 separate facilities inspected, i.e. excludes multiple inspections of same facility in 2011-2012 period.
- TOTAL: 18 separate major facilities

Based on the ICIS data pull and adjusting to exclude multiple inspections of specific separate facilities, the CYs 2011-2012 Measure/Rate = $18/46 = 39.1\%$.

CYs 2010-2011 Rate Based on DEC February 2013 CMS Submission

For historical context, a two year inspection measure/rate for DEC-jurisdictional major facilities in CYs 2010-2011 was evaluated using in part the information presented by DEC in its DEC 2013 CMS, Table 1. The inspection counts are as follows:

- CY 2010 Inspection Total = +11 (includes Unalaska and Cordova POTWs but excludes major mines)
- CY 2011 Inspection Total = +8 (excludes Teck Red Dog Mine because EPA retained jurisdiction until December 2012)
- TOTAL: 19 separate major facilities

The DEC-jurisdictional facility universe for this two year time period was estimated at 38 facilities (includes Anchorage/DOT MS4). Accordingly, the two year inspection coverage rate for CYs 2010-2011 is 19/38 or 50%.

Mine Visits by Permit Staff

The DEC's Performance Partnership Grant submissions regarding completed APDES inspections contain the following purported compliance inspections of two major mine facilities conducted by a DEC staffperson from the DEC's APDES permit program. DEC verified in 2013 that this staffperson does not have DEC's compliance inspector credentials.

Mine Facility	2010	2011	2012
Kensington AK0050571	2	1	2
Greens Creek AK0043206	1	1	2